



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill #	HB0329	Title:	Increase penalties for partner or family member assault
Primary Sponsor:	Windy Boy, Jonathan	Status:	Second Reading

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$108,000	\$108,000	\$108,000	\$108,000
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u><u>(\$108,000)</u></u>	<u><u>(\$108,000)</u></u>	<u><u>(\$108,000)</u></u>	<u><u>(\$108,000)</u></u>

Description of Fiscal Impact:

This bill increases the penalties in partner or family member assault. The Office of the State Public Defender (OPD) would need to provide services to clients charged with a crime under 45-5-206, MCA. This bill would require more hours per case because the penalty increase will cause more cases to go to trial.

FISCAL ANALYSIS

Assumptions:

1. OPD estimates that it handles about 1,200 cases statewide per year under 45-5-206, MCA. If the penalty is increased this would increase the number of clients that would request their case go to trial. OPD assumes that 15% will go to trial due to the increase in penalty.
2. Each case going to trial would require an estimated 10 hours of attorney time.
3. \$60.00 per hour is the incremental cost of using an outside attorney to cover increase caseload.

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$108,000	\$108,000	\$108,000	\$108,000
<u>Funding of Expenditures:</u>				
General Fund (01)	\$108,000	\$108,000	\$108,000	\$108,000
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$108,000)	(\$108,000)	(\$108,000)	(\$108,000)

Effect on County or Other Local Revenues or Expenditures:

1. There may be an impact to counties as the time imprisoned in county jails increases under this legislation.
2. The legislation does change the fine imposed which could have an impact on local governments as these fines are allocated as indicated in 46-18-235 and 3-10-601, MCA.
3. The amendments to this bill will help offset the cost of incarceration to local governments charged with housing individuals convicted of partner or family member assault and sentenced to jail time.